

### REMARKS

This amendment is being submitted in response to the Office Action dated 20 June 2004. Claims 1 and 9 are herein amended, and claims 5, 13-14 and 18 are canceled. Thus, claims 1-4, 6-12 and 15-17 are pending in the application.

The Examiner rejected claims 1-3, 5-6, 9-11, 13-16 and 18 under 35 U S C 102(b) as being anticipated by US Patent No. 5681279 to Roper et al. According to the Examiner, "Roper teaches a syringe with a dispensing head for releasably holding a pill and a syringe component including a main barrel for contain a dose of water, a thumb operable plunger a tube in fluid communication with the other end of the main barrel and defined by at least one water release hole, a piston slidably mounted in the tube; whereupon the plunger said water urges the piston and pushed rod forward such that rod ejects the pill form the dispensing head into the animal's mouth, and when the piston clears said at lesson (sic) one water release hole." Applicant disagrees with the Examiner's reading. Roper '279 shows a combination pill/water dispensing syringe and the similarities stop there. The Roper device works on an entirely different principle. In use, with reference to FIG. 2, thrusting of the piston rod 36 moves the water injection cylinder 16 and the water injection tube 22 forward. The water injection tube 22 contacts the pill 54, driving the pill out of the pill retaining slit 52 and into the animal's mouth. Upon further thrusting of the piston rod 36, the piston 28 is driven toward the floor 18 of the water injection cylinder 16 causing the water to emit through the interior bore 24 of the water injection tube 22 and into the animal's mouth. In other words, the ejection force for the pill

comes directly from mechanical engagement of plunger 36 against injection cylinder 16. When the injection cylinder 16 hits the fore wall and stops, the plunger 36 continues forward and drives water out of the injection cylinder 16 through the bore 18. This assembly compels a specially-formed plunger 36 that engages a specially-formed injection cylinder 16, the net result being that the entire assembly must be custom fabricated for its particular purpose.

The configuration of the present invention allows it to be manufactured as a simple modification of a standard syringe, thereby providing significant manufacturing economies not possible with Roper '279. This is possible because the present invention employs water pressure (not mechanical engagement) to drive the forward piston 4 forward. The forward piston 4 is essentially free-floating in the syringe and makes no mechanical contact with the plunger at all, and hence the existing standard syringe plunger can be used rather than specially manufactured parts. In fact, the major portion of the syringe inclusive of barrel 6 and plunger 2 are standard parts, and only the forward piston 4 need be specially made.

Claim 1 is amended herein to more clearly reflect the above-described differences. Specifically, claim 1 now recites "a syringe component including a main barrel for containing a dose of water, a thumb-operable plunger insertable into one end of said main barrel for urging said water forward, a tube in fluid communication with the other end of said main barrel and upon which said dispensing head is distally mounted, said tube being defined by at least one water release hole proximate said dispensing head, *a piston slidably mounted in the tube for traversing said water release hole and ejecting said dose of water, said piston including a*

*push-rod extending toward said dispensing head and movable by water pressure against said piston to protrude into said dispensing head, whereupon thumb-operation of the plunger, said water urges the piston and push-rod forward such that said push-rod ejects the pill/capsule from the dispensing head into the animal's mouth, and when the piston clears said at least one water release hole in the tube said water is jetted out of the water release holes into the animal's mouth, thereby compelling the animal to swallow the pill/capsule."*

Claims 2-4 and 6-8 depend from claim 1 and are likewise distinguished.

Claim 5 is canceled.

Claim 9 is amended in the same manner as claim 1 to reflect that the "push-rod [is] engaged at one end by said plunger and carr[ies] a piston along its length, said push rod extending toward said dispensing head and movable with said plunger to protrude into said dispensing head *and eject the pill while said piston traverses said at least one water release hole* to thereby eject said dose of water.." Again, Roper et al. '279 has a two-stage 1) pill eject and 2) water release action and does not use employ the secondary piston which traverses the water release hole(s).

Claims 10-12 and 15-17 depend from claim 9 and are likewise patentably distinguished.

Claims 13-14 and 18 are canceled.

The Examiner also rejected claims 4 and 12 (multiple water ejection holes) under 35 U.S.C. 103 as being obvious over Roper et al. However, the foregoing amendments to claims 1 and 9 are believed to distinguish Roper on other grounds as described above.

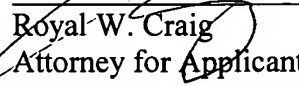
*Application of: Nicolette  
Application No. 10/726,975  
Group Art Unit: 3763  
Examiner: Brian Casler  
Page 10*

The Examiner also rejected claims 7 and 16 (at least one air pressure release hole) under 35 U.S.C. 103 as being obvious over Roper et al. combined with Hiegima (US 6139530) or Fischer (US 5643206). Again, the foregoing amendments to claims 1 and 9 are believed to distinguish the cited combination on other grounds as described above. Applicant also notes that neither Hiegima '530 or Fischer '206 employ an air pressure release hole in the main barrel for the purpose of dual-delivery of a pill and water. In the present context the air pressure release hole(s) 13 allow air to escape from the main barrel 3 when first pushing plunger 3, thereby bleeding air and allowing the user to dispense the desired barrel full of a proper amount of water without air. Though both Hiegima '530 and Fischer '206 teach a hole in the barrel of a syringe, neither use it for the same purpose of the present invention and claims 7 and 16 are further distinguished on their own merits.

\* \* \* \* \*

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
Royal W. Craig  
Attorney for Applicant  
Reg. No. 34,145  
7/24/04  
Date

Law Offices of Royal W. Craig  
10 North Calvert Street  
Suite 153  
Baltimore, Maryland 21202  
(410) 385-2383